



Federal Communications Commission  
Washington, D.C. 20554

MAR 13 1998

The Honorable Judd Gregg  
United States Senator  
99 Pease Boulevard  
Portsmouth, NH 03801

Dear Senator Gregg:

Thank you for your inquiry, on behalf of your constituents, Joseph G. Mills, Jr., Dr. Norman C. Katner, and Melvin R. Low, Rye, New Hampshire, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in their communities. Your constituents' letter refers to issues being considered in three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

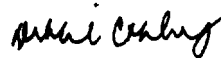
Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your constituents' letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

At the same time, the Commission is actively pursuing initiatives that we hope will render any Commission action limiting State and local authority unnecessary. Commission staff, working with the Commission's Local and State Government Advisory Committee, is bringing together representatives of industry and municipal governments to discuss mutually acceptable solutions to the challenges posed by facilities siting. Chairman Kennard has stated that preemption of local zoning authority should be a remedy of last resort, and that the Commission should not consider preemption until the possibilities for constructive dialogue have been exhausted.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,



*for* Steven E. Weingarten  
Acting Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

JUDD GREGG  
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

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# United States Senate

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Reply to:  
Portsmouth Office

WTB 182  
97-1872

December 9, 1997

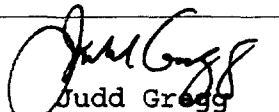
Ms. Sheryl Wilkerson, Director  
Office of Legislative Affairs  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Ms. Wilkerson:

I am writing in regard to the enclosed letter I received from the Town of Rye, New Hampshire, concerning the petition to ~~preempt local television tower restrictions~~ (Mass Media Docket No. 97-182). I would appreciate an FCC review of the town's concerns.

Thank you for your time and attention to this important matter. I look forward to your response.

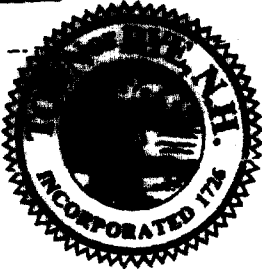
Sincerely,

  
Judd Gregg  
U. S. Senator

JG/jsc

Enclosure

RECEIVED DEC 02 1997



**TOWN OF RYE • OFFICE OF SELECTMEN**  
10 Central Road  
Rye, N.H. 03870-2522  
603-964-5523 • Fax 603-964-1516

November 24, 1997

U.S. Senator Judd Gregg  
99 Pease Boulevard  
Portsmouth, NH 03801

RE: Petition to Federal Communication Commission (FCC) - Preempt  
Local Tower Restriction


Dear Senator Gregg:


Recently, the Rye Selectmen were informed that the National Association of Broadcasters (NAB) and Association for Maximum Service Television (MSTV) have petitioned the FCC to adopt a rule preempting certain state and local government restrictions on the placement, construction, and modification of radio and television transmission facilities. The petition asked the commission to exclude U.S. TV and radio broadcasters from state and local government obstacles in the construction of tall television towers.

Additionally, the petition states that the FCC already has the authority to preempt state and local regulation: "The Supreme Court has stated that state and local regulations may be preempted not just by Congress, but also by a 'a federal agency acting within the scope of its congressional delegated authority.'"

Senator Gregg, the Rye Board of Selectmen requests your assistance in asking the FCC not to grant this request. Allow the state and local government to have a voice. Isn't that what New Hampshire is about?

Sincerely,  
BOARD OF SELECTMEN

  
JOSEPH G. MILLS, JR.  
Chairman

  
DR. NORMAN C. KAYNER  
Vice Chairman

  
MELVIN R. LOW

/jct  
cc: Office of the General Counsel, FCC